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General and complete disarmament

Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

Report of the Secretary-General

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I. Introduction

1. In paragraph 3 of its resolution 70/39 on the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the General Assembly called upon the Secretary-General, building on the report contained in document A/68/154 and Add.1,[1] to seek the views of Member States on the report of the Group of Governmental Experts[2] and to submit a report on the subject to the Assembly at its seventy-first session.

2. Pursuant to that resolution, on 25 February 2016, the Office for Disarmament Affairs sent a note verbale to all Member States requesting their views. Summaries of the replies received thus far are contained in section II. Additional submissions will be issued as an addendum to the present report. The full texts of the submissions received are available from http://unog.ch/unog/website/disarmament.nsf/(httpPages)/CBB7A1BA4E21FB9BC1257FC400556C1A?OpenDocument.

II. Replies received from Governments

Australia

[Original: English]
[1 June 2016]

An effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices has the potential to deliver substantial benefits for the security of all States, furthering the twin goals of nuclear disarmament and nuclear non-proliferation. The report of the Group of Government Experts established through the General Assembly in its resolution 67/53 demonstrates that, given an appropriate level of political will, negotiation of such a treaty is a practical and achievable goal for the international community. Australia offers the following views with respect to issues addressed by the Group.

Australia considers that parties to a treaty should commit not to produce or otherwise acquire fissile material for nuclear weapons or other nuclear explosive devices, effectively capping the stocks available for such use. Australia would also support treaty provisions on pre-existing stocks of fissile material, whether produced for civil or military purposes. Declarations and transparency for such stocks would help to build trust and confidence among States and to establish a baseline for verification, including under future disarmament efforts. Mechanisms should be considered under which States could choose to submit excess military stocks to irreversible peaceful use and verification commitments.

Fissile materials controlled by a treaty should be those relevant to the manufacture of nuclear weapons or other nuclear explosive devices. The definition of "direct-use material" used by the International Atomic Energy Agency (IAEA) provides a good basis for discussion.

[1] Report of the Secretary-General on treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, prepared in accordance with General Assembly resolution 67/53.

[2] Report of the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/70/81).

To be effective and efficient, the verification regime for a treaty should apply for nuclear facilities, activities and materials according to the risk that they may pose to treaty objectives. Verification efforts would focus on facilities for enrichment of uranium and for separation of plutonium, including those formerly used for nuclear weapons purposes, and on facilities processing or using fissile material subject to the treaty.

Verification against undeclared production of relevant fissile material would be an essential element of the treaty, using mechanisms similar to those in the Additional Protocol of the IAEA. Australia notes that the central requirements of a treaty could be met through the application of comprehensive IAEA safeguards together with an Additional Protocol that meets the requirements outlined in document INFCIRC/540.

A treaty and its verification should be non-discriminatory in that its obligations apply equally to all States parties. Australia believes the IAEA can and should implement verification for a treaty.

Canada

[Original: English]
[31 May 2016]

Canada was honoured to have chaired the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Given the depth of its exchanges, the Group made significant headway in determining the potential architecture of such a treaty, including its scope, definitions, verification requirements and associated legal and institutional arrangements, thus setting the stage for future negotiations.

The discussions on scope and verification constituted the most comprehensive examination of these treaty aspects ever undertaken. In particular, the Group brought considerable nuance to the longstanding debate on the issue of whether, or to what extent, the scope of a future treaty should extend to fissile material produced by a State party prior to entry into force. Through its thoughtful and policy-neutral assessment of the various categories of previously produced fissile material, the Group explored the full spectrum of views on this issue, within which compromise through negotiation is possible. In fact, the Group concluded unanimously that the various differing perspectives of States on a treaty should not be an obstacle to the commencement of negotiations.

The significance of the Group's detailed discussions on treaty verification should also not be underplayed, as they laid a solid foundation on which further scientific and technical work should be carried out before, during or after negotiations. Importantly, the verification methods, tools and techniques developed and applied by means of such a treaty would constitute a considerable contribution to a broader disarmament verification methodology, as the obligations would be applied equally to all States parties, including those with currently unsafeguarded nuclear facilities.

Canada also sees great potential for the treaty to play a role in increasing transparency and confidence between States, which is essential groundwork in the

pursuit of further nuclear disarmament measures. The commitment to genuine dialogue apparent among the Group's diverse membership, including States that possess nuclear weapons and those that do not, is a model for other multilateral nuclear non-proliferation and disarmament forums. While the Group's discussions foreshadowed the complex and lengthy nature of any future negotiation, the Group was unanimous in its belief that the negotiation of this treaty should remain a priority of the international nuclear non-proliferation and nuclear disarmament community.

India

[Original: English]
[31 May 2016]

India participated in the Group of Governmental Experts on the fissile material cut-off treaty established pursuant to General Assembly resolution 67/53. India welcomes the consensus report, which was circulated at the Conference on Disarmament as document CD/2023. The report underlines that the treaty and its negotiation in the framework of the Conference remain a priority enjoying broad international support, while document CD/1299 and the mandate contained therein remain the most suitable basis on which future negotiations should commence. In our view, this was the most significant conclusion of the Group. At the time of the adoption of resolution 67/53, India had stated that the work of the Group amounted to neither pre-negotiations nor negotiations on a fissile material cut-off treaty, which should take place in the framework of the Conference on the basis of the agreed mandate. The Group's report is the result of a most thorough intergovernmental assessment of the treaty in recent years, as it brought together governmental experts from 25 countries who brought to bear varied but enriching perspectives on various aspects of a future treaty, thus deepening our understanding of its many complexities.

India's position on the treaty is clear. Without prejudice to the priority India attaches to nuclear disarmament, India supports the negotiation, in the framework of the Conference, of a universal, non-discriminatory and internationally verifiable treaty that meets India's national security interests. India is a nuclear weapon state and a responsible member of the international community and will approach treaty negotiations as such.

India was one of the original co-sponsors of General Assembly resolution 48/75 L, adopted by consensus in 1993, which envisaged the fissile material cut-off treaty as a significant contribution to non-proliferation in all its aspects. India joined the consensus on the establishment of an ad hoc committee on a fissile material cut-off treaty at the Conference in 1995 and then again in 1998. Similarly, India did not stand in the way of consensus on document CD/1864, which provided, inter alia, for the establishment of a working group to negotiate a treaty.

The report of the Group of Governmental Experts is a valuable reference and deserves in-depth consideration and examination even though it does not bind the hands of future negotiators and is without prejudice to national positions. India hopes that the Group's report will impart momentum for the commencement of treaty negotiations at the Conference on the basis of document CD/1299 and the mandate contained therein.

Iran (Islamic Republic of)

[Original: English]
[17 June 2016]

In the view of the Islamic Republic of Iran, the existence of nuclear weapons, their vertical and horizontal proliferation, and the risk of their possible use, accidentally or on purpose, is the most serious threat to international peace and security. Therefore, the total elimination of nuclear weapons is the only absolute guarantee against their threat and use, and a prerequisite for the establishment of a nuclear weapon-free world. The first and the best practical measure for achieving this noble goal is the urgent commencement of negotiations at the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction globally at the earliest date, in an irreversible and transparent manner and under strict international verification. Taking into account the fact that nuclear disarmament is the highest priority on the international disarmament agenda, Iran strongly believes that negotiations on this comprehensive convention must be at the top of the Conference agenda.

Such a comprehensive convention should, inter alia, prohibit, forever, without exception and under any circumstances, research on, and the production, possession, acquisition, transfer and stockpiling of, any amount of fissile materials for nuclear weapons or other nuclear explosive devices worldwide; set, within a phased programme, a clear and unextendable deadline for the total elimination of all existing fissile materials for nuclear weapons or other nuclear explosive devices worldwide, or their conversion to materials usable exclusively for peaceful purposes; prohibit, forever, without exception and under any circumstances, any kind of direct or indirect cooperation in, or assistance to, or encouragement or inducement of, any activity related to such fissile materials; and establish a robust international verification mechanism to ensure the total absence of any amount of fissile material for nuclear weapons or other nuclear explosive devices, as well as the sustainability of such a situation worldwide under all circumstances.

However, if the Conference on Disarmament adopts, by consensus, a programme of work that ensures, inter alia, the simultaneous commencement of negotiations on, and conclusion of, two separate universal legally-binding instruments, namely a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and provide for their destruction, and a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, Iran will be in a position to also support the start of such negotiations on a single instrument banning the production of fissile materials for nuclear weapons and other nuclear explosive devices.

In any case, the scope of such a treaty shall cover the past, present and future production of fissile materials, and it must identify, within a phased programme, a clear and unextendable deadline for the total elimination of all existing fissile materials for nuclear weapons or other nuclear explosive devices worldwide, or conversion to materials usable exclusively for peaceful purposes, in an irreversible and transparent manner and under strict international verification. Moreover, it should be of a nuclear disarmament nature and must apply equally to all its States

parties in terms of their respective rights and obligations under the treaty. Additionally, it should be comprehensive and non-discriminatory and oblige all countries possessing nuclear weapons, without exception, to completely end the production of fissile material for nuclear weapons or other nuclear explosive devices, and to declare and destroy all their stockpiles of such materials in accordance with the treaty.

The Islamic Republic of Iran would like to stress, however, that any possible negotiation on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices should be conducted in an open and transparent manner, and without any possible external pressure on negotiating States. Furthermore, all past, present and future proposals, as well as the security concerns and interests of all States, shall be equally taken into consideration. Above all, rule of consensus shall be strictly applied to all issues during the negotiations until the final adoption and conclusion of the possible treaty.

As regards the report of the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, contained in document A/70/81, and recalling the fact that resolution 67/53 had mandated the Group to operate on the basis of consensus, Iran believes that, since the Group has made only a few non-substantive recommendations by consensus and, consequently, was unable to make consensual recommendations on almost all substantive issues, as a result of which its report is merely a compilation of considerable differences of opinion of the governmental experts, such a report definitely lacks the very basic criteria of recommendations from a group of governmental experts to be given "due consideration" by Member States or be "fully examine[d]" by the Conference on Disarmament. Nevertheless, recalling the rules of procedure of the Conference, according to which it is the master of its own business and can decide independently whether and how to deal with such reports, in the view of Iran, the Group's report may only be cited by the Conference among the long list of relevant past, present and future proposals and reports on the subject.

Italy

[Original: English]
[7 June 2016]

Italy was actively engaged in the work of the Group of Governmental Experts on the fissile material cut-off treaty and strongly supports the Group's report, as it contributes to real constructive developments in view of the negotiations. As concerns specific points discussed in the report, Italy supports flexible definitions, based on article XX of the Statute of the International Atomic Energy Agency, and reflecting real situations. We believe the IAEA is the most appropriate body to carry out verification, due to its long-term expertise and resources; this would also ensure efficient and rapid verification procedures. Italy also calls for realistic and balanced criteria for the entry into force of the treaty, to ensure its effectiveness and credibility. Recalling General Assembly resolution 70/39, we support the early commencement of negotiations on such a treaty in the framework of the Conference on Disarmament, which represents one of the key priorities of Italy's foreign and security policy.

Lebanon

[Original: Arabic]
[2 May 2016]

The Ministry of National Defence notes that Lebanon sees no objection to the ratification of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, as this is consistent with its customary position. Lebanon has been among the earliest signatories to many such treaties, including the Convention on the Physical Protection of Nuclear Material. It does not depend on fissile material for its energy production, nor does it stockpile such material. In addition, no military or civilian activity or scientific research is conducted in the Lebanese Republic for the production of radioactive, fissile or nuclear material.

Mexico

[Original: Spanish]
[2 June 2016]

Mexico reiterates the need to start negotiations with a view to concluding a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. Such a treaty would represent another step towards the goal of eliminating nuclear weapons and strengthening the nuclear non-proliferation regime.

Mexico acknowledges the work of the Group of Governmental Experts established pursuant to General Assembly resolution 67/53 on the subject, and the adoption by consensus of the Group's report contained in document A/70/81.

Mexico believes that the negotiation of such a treaty should be viewed as part of a broad and comprehensive process of nuclear disarmament and non-proliferation, and that the treaty should include elements such as the regulation of existing fissile material, a verification mechanism and confidence-building measures.

Mexico therefore considers it necessary for such an instrument to provide for the regulation of existing fissile material, a verification mechanism and confidence-building measures.

Warehouses storing fissile material must be subject to accountability and control measures that are as broad as possible. The measures could be overseen by the International Atomic Energy Agency, given that it has the experience, technical training and equipment required for that purpose.

In addition, it is vital that the treaty prohibits the "direct use" of fissile material for the production of nuclear weapons and the transfer of fissile material produced for civilian use for purposes related to nuclear weapons. Moreover, the treaty should list neptunium and americium as fissile material given that these elements have fissile capacity and could be used in nuclear weapons.

In accordance with its obligations as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, Mexico supports the promotion of the use of low-enriched uranium for peaceful purposes and the prohibition of the acquisition and transfer of fissile material for nuclear weapons or

other nuclear devices from States not party to the Non-Proliferation Treaty, as well as any assistance to third countries for the production of fissile material for explosives.

Mozambique

[Original: English]
[11 May 2016]

Mozambique agrees that the conclusion of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is imperative and vital for world peace. It would be an important security-enhancing and confidence-building measure that would strengthen the regime of the Treaty on the Non-Proliferation of Nuclear Weapons and be a step towards nuclear disarmament and the achievement of a world without nuclear weapons.

A fissile material cut-off treaty should be non-discriminatory, multilateral and internationally and effectively verifiable. It could be part of a comprehensive approach to nuclear disarmament that still needs to be agreed upon. Nevertheless, from the Mozambican point of view, its adoption would not be contingent upon prior agreement on the comprehensive framework, as the treaty can be added to the comprehensive safeguards agreement.

Confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. National security concerns, while legitimate, should also not delay negotiations, but they can and should be addressed as part of the negotiation process rather than as a prerequisite, while existing unilateral moratoriums on the production of fissile material should be maintained. Mozambique is also of the view that States willing to negotiate a fissile material cut-off treaty should commence these negotiations even if not all States with fissile material for nuclear weapons would be participating at the beginning.

Mozambique is concerned about the delay of even initiating negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in particular since some States have significantly increased their stockpiles of weapons-grade nuclear material. In light of this, Mozambique is of the view that such a treaty would have to include and address the issue of existing stockpiles in its scope. Failing that, the treaty would likely not be considered a valid nuclear disarmament measure.

Netherlands

[Original: English]
[2 June 2016]

At its seventieth session, the General Assembly adopted resolution 70/39 on the treaty banning the production of fissile material for nuclear weapons and other explosive devices.

The Kingdom of the Netherlands herewith submits the view of the Government of the Netherlands on the report of the Group of Governmental Experts, as requested in operative paragraph 3 of the resolution.

The Netherlands aims for an ambitious treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Reaching that aim requires mutual understanding of the political and technical challenges. This is why the Netherlands has actively contributed to the work of the Group, chaired by Canada.

The substantive consensus report that the Group produced in 2015 laid important groundwork. In its report, the Group discusses several important aspects to be addressed in a fissile material treaty in detail, while also pinpointing the outstanding issues. In the opinion of the Netherlands, the different viewpoints identified by the Group in its report can only be resolved through treaty negotiations, preferably in the framework of the Conference on Disarmament.

Saudi Arabia

[Original: Arabic]
[3 June 2016]

The treaty should establish a legally binding, non-discriminatory, multilateral and verifiable ban in accordance with its own treaty regime. The treaty must be consistent with existing legal instruments, and part of an integrated framework of interlocking measures aimed at achieving nuclear non-proliferation and disarmament and reinforcing international security and stability. The treaty cannot go forward effectively and irreversibly unless measures are taken to address pre-existing stockpiles of fissile material as well as future production. Transparency on that issue will be crucial to building trust and providing adequate incentives to join the treaty.

The treaty would provide credible assurances and contribute to greater transparency among States if obligations are applied equally and without discrimination to all States parties, including States that possess nuclear facilities not subject to International Atomic Energy Agency (IAEA) safeguards.

The scope of the treaty should be adequate to support its objectives and basic principles in accordance with non-discriminatory legal frameworks that all parties must adhere to. The treaty must also impose a complete ban on all activities related to the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with specifications to be annexed to the treaty and not left to the verification regime. It does not need to include fissile materials covered under the Treaty on the Non-Proliferation of Nuclear Weapons and the safeguards.

A precise definition of the elements of the treaty would contribute to clarifying the obligations of States parties. It would also facilitate the realization of the scope of the treaty and verification. The definitions used in the treaty should match those used in implementing the safeguards agreements. That would ensure fulfilment by States parties of their obligations and by extension the treaty's credibility, and avoid imposing additional burdens on them.

The verification regime should be capable of providing credible assurance that all States parties are complying with their treaty obligations. It should be non-discriminatory and apply the same procedures to all States parties. It should not take into account only the characteristics of declared fissile material production

facilities. It should take precautions with regard to sensitive information and take into account where the limits to verification may stand.

Measures aimed at nuclear non-proliferation and nuclear disarmament should be incorporated into consolidated legal and institutional arrangements that are politically impartial, technically able and resource-efficient. That will result in the creation of a hybrid body that might be affiliated with IAEA, or the creation of governance and decision-making mechanisms within an independent body.

Disarmament momentum and confidence-building should be reinforced by adopting a limited duration subject to review and extension depending on progress on nuclear disarmament. Entry into force of the treaty should be contingent on the accession and ratification by all States with enrichment and reprocessing capabilities. Compliance and withdrawal have a bearing on the treaty's credibility, and merit considerable discussion with a view to establishing mechanisms that are suitable and acceptable to all States parties.

Spain

[Original: Spanish]
[1 June 2016]

The treaty banning the production of fissile material should incorporate the goals of disarmament and non-proliferation in order to enhance global security, in particular by preventing terrorists and non-State actors from accessing or stealing material for the manufacture of weapons of mass destruction.

The negotiation of such a treaty requires the commitment of the nuclear-weapon States in particular. In addition, the negotiations should take into account the recommendations made by the Group of Governmental Experts in its report (A/70/81), in particular:

- The treaty should not ban the production of fissile material for civilian use nor should it interfere with a State's right to the peaceful use of nuclear energy, which should always be subject to International Atomic Energy Agency safeguards and supervision.
- The treaty should establish a ban on the production of fissile material for nuclear explosives and weapons that is legally binding, non-discriminatory — meaning that its obligations would apply to all States parties equally — multilateral and internationally and effectively verifiable.

However, several parts of the report require further analysis and more areas of convergence. These include:

- The decision on whether States would be required to declare fissile material produced prior to the entry into force of the treaty;
- Whether or not the production of fissile material for non-proscribed military purposes (nuclear-powered platforms, etc.) is prohibited and whether that material is subject to the treaty;
- Definitions in the treaty (fissile material, production of fissile material and facilities producing fissile material) which are sufficient to identify the

objectives of the treaty and to facilitate its implementation and, above all, the task of verification;

- Verification mechanisms, the related objectives and the body responsible for their implementation;

- Possible sanctions in cases of non-compliance with the treaty and the competent sanctions bodies.

Spain also considers that national security concerns, while legitimate, can and should be addressed as part of the negotiation process rather than as a prerequisite.

Spain supports the request made by the European Union that all States that have not yet done so should declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices, and should dismantle facilities used to produce fissile material for nuclear weapons or convert them into facilities not used to produce explosives.

Switzerland

[Original: English]
[31 May 2016]

Switzerland has long emphasized the need for early negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosives devices. Switzerland welcomes the report of the Group of Governmental Experts. While this report indicated convergence on a significant number of issues, it also highlighted that work is still needed where different perspectives remain. It is important to note that the Group's report confirms the Swiss view that remaining differences should not further delay the commencement of negotiations. While the mandate contained in document CD/1299 has been confirmed by the Group as being the most suitable basis for future negotiations, Switzerland believes that flexibility and creativity could also facilitate progress. Moreover, the dynamic interrelationship between the treaty's objectives and its scope, definition and verification mechanism, as highlighted by the Group, underlines that the international community should comprehensively approach these issues without further delay. Such a treaty, together with the Comprehensive Nuclear-Test-Ban-Treaty and other additional legally-binding instruments, will contribute to fulfilling the disarmament provisions of article 6 of the Treaty on the Non-Proliferation of Nuclear Weapons, halting both vertical and horizontal proliferation, and achieving and maintaining a world without nuclear weapons. Switzerland reiterates that a fissile material cut-off treaty should take into consideration both disarmament and non-proliferation objectives. In this context, Switzerland fully supports the position of many experts reflected in paragraph 22 of the report that "a ban on new production would be insufficient ... and that past production should be addressed in some manner in the treaty's scope". Ensuring and verifying that future civil production is only used for civil purposes and that future production for non-proscribed military use is never diverted to proscribed use will be key aspects of any treaty, and verifying that existing fissile material declared excess to military requirements will never be used in nuclear weapons will represent a central disarmament component.

Furthermore, Switzerland fully agrees with the Group's view that the principle of irreversibility should be at the centre of the fissile material cut-off treaty's

verification system, in order to consistently fulfil its objectives. Regarding legal arrangements, Switzerland believes that since the treaty's provisions will be of particular relevance for States with unsafeguarded facilities and/or enrichment and reprocessing capabilities, various options regarding its entry into force require further analysis during negotiations. Last, neither its duration nor a potential withdrawal clause should undermine the durability and irreversibility of the treaty.

Ukraine

[Original: English]
[1 June 2016]

Given the fact that Ukraine voluntarily gave up its nuclear weapons in 1996 and removed all stockpiles of highly enriched uranium from its territory in 2012, our country strongly supports the development of legal and institutional multilateral mechanisms to prevent the proliferation of nuclear weapons and related materials, equipment and technologies. In this context, the fissile material cut-off treaty remains a top priority on the global disarmament agenda.

We believe that the May 2015 report of the Group of Governmental Experts on the fissile material cut-off treaty, with the Ukrainian delegate among them, represents a constructive contribution to the ongoing debate and to the future negotiations on this issue. Based on an impartial, in-depth and open approach, the report reflects various positions that were voiced and presents all options on the table, thus constituting a useful and valuable resource for negotiation of a future treaty.

Although the vast majority of Member States are ready to start negotiations on the treaty in the framework of the Conference on Disarmament, the core differences regarding the scope of such a treaty still stand unresolved and put the Conference at a deadlock. In such situation, the fate of the Conference will be determined by the readiness of all sides to use diplomatic skills to their full potential and reach a hard compromise for the sake of moving forward a broader disarmament agenda. Ukraine, for its part, is ready, as usual, to demonstrate a constructive approach to facilitate this process.

In our view, widely supported by the international community, parallel negotiations are the only credible way to overcome persisting discords. Negotiating the treaty and negative security assurances in parallel processes will contribute to confidence-building and mutually reinforce each other, providing pertinent support to the complex process of disarmament.

While strongly advocating for the immediate commencement of negotiations on the treaty in the framework of the Conference on Disarmament, Ukraine supports relevant international initiatives to protect and secure nuclear materials, including General Assembly resolutions 66/50, on measures to prevent terrorists from acquiring weapons of mass destruction, and 62/46, on preventing the acquisition by terrorists of radioactive materials and sources, as well as the International Convention for the Suppression of Acts of Nuclear Terrorism, the revised Code of Conduct on the Safety and Security of Radioactive Sources of the International Atomic Energy Agency, and other antiterrorist initiatives.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[27 May 2016]

The United Kingdom of Great Britain and Northern Ireland supported the resolution to establish the Group of Government Experts on the fissile material cut-off treaty at the meeting of the First Committee of the General Assembly in 2012 and participated in the Group's discussions in Geneva. We welcome the report of the Group and are confident that this report and the deliberations underpinning it can serve as a valuable reference for States, and that it should be a useful resource for negotiators of a future treaty.

We agree that the Group has demonstrated that the various perspectives of States on a treaty should not be an obstacle to commencement of negotiation. The report prepared by Gerald E. Shannon (CD/1299) and the mandate contained therein continue to provide the most suitable basis on which future negotiations can commence without further delay in the framework of the Conference and, as noted in this report, would allow negotiators to raise for consideration all aspects of a treaty, including its scope.

We commend the work of the Group as the most thorough expert intergovernmental assessment to date of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Given the depth of its exchanges, the Group has allowed for a better understanding of the potential architecture of a future treaty and has further clarified its various aspects. It also identified areas, including with respect to technical and scientific challenges to definitions, verification and scope, or on legal and institutional matters, that will have implications for future treaty negotiations.

We believe that technical experts are essential to the process and would encourage States to ensure their delegations include them in future deliberations and negotiations. A group of scientific experts could also add valuable assistance to the negotiators.

We support the recommendation for members of the Group of Governmental Experts to actively share the content and outcomes of its deliberations with the wider international community. The United Kingdom of Great Britain and Northern Ireland stands ready to assist.

The United Kingdom of Great Britain and Northern Ireland would also welcome the opportunity to be involved in any follow-up work to clarify issues regarding the potential tools and techniques that will facilitate verification of a future treaty.

The start and early conclusion of negotiations on a fissile material cut-off treaty is another essential step on any route to nuclear disarmament. This should remain a priority for all.

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Seventy-first session
Item 97 (a) of the preliminary list*
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Report of the Secretary-General

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* A/71/50.

** The present revision is being issued to include the submission from China, which had inadvertently been omitted in the original report (A/71/140).

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I. Introduction

1. In paragraph 3 of its resolution 70/39 on the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the General Assembly called upon the Secretary-General, building on the report contained in document A/68/154 and Add.1,[1] to seek the views of Member States on the report of the Group of Governmental Experts[2] and to submit a report on the subject to the Assembly at its seventy-first session.

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An effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices has the potential to deliver substantial benefits for the security of all States, furthering the twin goals of nuclear disarmament and nuclear non-proliferation. The report of the Group of Government Experts established through the General Assembly in its resolution 67/53 demonstrates that, given an appropriate level of political will, negotiation of such a treaty is a practical and achievable goal for the international community. Australia offers the following views with respect to issues addressed by the Group.

Australia considers that parties to a treaty should commit not to produce or otherwise acquire fissile material for nuclear weapons or other nuclear explosive devices, effectively capping the stocks available for such use. Australia would also support treaty provisions on pre-existing stocks of fissile material, whether produced for civil or military purposes. Declarations and transparency for such stocks would help to build trust and confidence among States and to establish a baseline for verification, including under future disarmament efforts. Mechanisms should be considered under which States could choose to submit excess military stocks to irreversible peaceful use and verification commitments.

Fissile materials controlled by a treaty should be those relevant to the manufacture of nuclear weapons or other nuclear explosive devices. The definition of "direct-use material" used by the International Atomic Energy Agency (IAEA) provides a good basis for discussion.

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[1] Report of the Secretary-General on treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, prepared in accordance with General Assembly resolution 67/53.

[2] Report of the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (A/70/81).

To be effective and efficient, the verification regime for a treaty should apply for nuclear facilities, activities and materials according to the risk that they may pose to treaty objectives. Verification efforts would focus on facilities for enrichment of uranium and for separation of plutonium, including those formerly used for nuclear weapons purposes, and on facilities processing or using fissile material subject to the treaty.

Verification against undeclared production of relevant fissile material would be an essential element of the treaty, using mechanisms similar to those in the Additional Protocol of the IAEA. Australia notes that the central requirements of a treaty could be met through the application of comprehensive IAEA safeguards together with an Additional Protocol that meets the requirements outlined in document INFCIRC/540.

A treaty and its verification should be non-discriminatory in that its obligations apply equally to all States parties. Australia believes the IAEA can and should implement verification for a treaty.

Canada

[Original: English]
[31 May 2016]

Canada was honoured to have chaired the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Given the depth of its exchanges, the Group made significant headway in determining the potential architecture of such a treaty, including its scope, definitions, verification requirements and associated legal and institutional arrangements, thus setting the stage for future negotiations.

The discussions on scope and verification constituted the most comprehensive examination of these treaty aspects ever undertaken. In particular, the Group brought considerable nuance to the longstanding debate on the issue of whether, or to what extent, the scope of a future treaty should extend to fissile material produced by a State party prior to entry into force. Through its thoughtful and policy-neutral assessment of the various categories of previously produced fissile material, the Group explored the full spectrum of views on this issue, within which compromise through negotiation is possible. In fact, the Group concluded unanimously that the various differing perspectives of States on a treaty should not be an obstacle to the commencement of negotiations.

The significance of the Group's detailed discussions on treaty verification should also not be underplayed, as they laid a solid foundation on which further scientific and technical work should be carried out before, during or after negotiations. Importantly, the verification methods, tools and techniques developed and applied by means of such a treaty would constitute a considerable contribution to a broader disarmament verification methodology, as the obligations would be applied equally to all States parties, including those with currently unsafeguarded nuclear facilities.

Canada also sees great potential for the treaty to play a role in increasing transparency and confidence between States, which is essential groundwork in the pursuit of further nuclear disarmament measures. The commitment to genuine

dialogue apparent among the Group's diverse membership, including States that possess nuclear weapons and those that do not, is a model for other multilateral nuclear non-proliferation and disarmament forums. While the Group's discussions foreshadowed the complex and lengthy nature of any future negotiation, the Group was unanimous in its belief that the negotiation of this treaty should remain a priority of the international nuclear non-proliferation and nuclear disarmament community.

China

[Original: Chinese]
[26 May 2016]

Pursuant to the requirements of General Assembly resolution 70/39 on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the views of the Government of China with respect to the report of the Group of Governmental Experts, mandated in resolution 67/53, as contained in document A/70/81, are as follows:

1. China views the conclusion of a treaty establishing a full ban on the production of fissile material for nuclear weapons or other nuclear explosive devices as an important element of the international arms control process. The conclusion of such a treaty will help to promote nuclear disarmament and prevent the proliferation of nuclear weapons. It is an important step towards the complete prohibition and total elimination of nuclear weapons.

China resolutely maintains that the Conference on Disarmament is the only appropriate forum for negotiations on a production ban treaty. China supports the Conference in formulating a balanced and comprehensive programme of work on the basis of which it carries out its substantive activities, including negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty in accordance with document CD/1299 (the "Shannon report") and the mandate contained therein.

Any suggestion promoting the negotiation of a production ban treaty outside the Conference on Disarmament or the abandonment of the Shannon report and the mandate contained therein will not ensure the participation of the relevant parties, will not help to achieve the fundamental goals of such a treaty and will undermine the authority of the Conference.

2. China welcomes the establishment of the Group of Governmental Experts pursuant to General Assembly resolution 67/53, which held four sessions in 2014 and 2015 to discuss various aspects of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, and the adoption by the Group of a consensus report. China has thoroughly studied the report and would like to highlight the following three items:

First, a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices should be a multilateral treaty that is legally binding, non-discriminatory and internationally and effectively verifiable. The Conference on Disarmament is a suitable forum for negotiations on such a treaty. The Shannon report and the mandate contained therein are the most appropriate foundation for negotiations on a treaty by the Conference. The views mentioned above have been agreed on by the Group of Governmental Experts.

Second, issues such as the definition, scope, verification mechanisms and entry into force provisions of a production ban treaty are extremely complex, sensitive and interrelated. Future negotiations should set reasonable and feasible targets. There are significant differences within the Group of Governmental Experts with respect to the specific issues mentioned above.

Third, just as was emphasized in resolution 67/53, the work of the Group of Governmental Experts is not part of negotiations on a production ban treaty and is without prejudice to national positions in future negotiations. The technical discussions carried out by the Group are beneficial and can be used as a reference by countries in future discussions and negotiations.

3. China supports the full examination of the report by the Conference on Disarmament in accordance with resolution 70/39 and the careful consideration by the Conference of further action. China also supports the dispatch by Conference members of technical experts to assist in discussions by the Conference of relevant issues mentioned in the report. China is willing to discuss with all parties feasible ways to launch negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the Shannon report and the mandate contained therein.

China hopes that the views expressed above will be reflected in the relevant report of the Secretary-General.

India

[Original: English]
[31 May 2016]

India participated in the Group of Governmental Experts on the fissile material cut-off treaty established pursuant to General Assembly resolution 67/53. India welcomes the consensus report, which was circulated at the Conference on Disarmament as document CD/2023. The report underlines that the treaty and its negotiation in the framework of the Conference remain a priority enjoying broad international support, while document CD/1299 and the mandate contained therein remain the most suitable basis on which future negotiations should commence. In our view, this was the most significant conclusion of the Group. At the time of the adoption of resolution 67/53, India had stated that the work of the Group amounted to neither pre-negotiations nor negotiations on a fissile material cut-off treaty, which should take place in the framework of the Conference on the basis of the agreed mandate. The Group's report is the result of a most thorough intergovernmental assessment of the treaty in recent years, as it brought together governmental experts from 25 countries who brought to bear varied but enriching perspectives on various aspects of a future treaty, thus deepening our understanding of its many complexities.

India's position on the treaty is clear. Without prejudice to the priority India attaches to nuclear disarmament, India supports the negotiation, in the framework of the Conference, of a universal, non-discriminatory and internationally verifiable treaty that meets India's national security interests. India is a nuclear weapon state and a responsible member of the international community and will approach treaty negotiations as such.

India was one of the original co-sponsors of General Assembly resolution 48/75 L, adopted by consensus in 1993, which envisaged the fissile material cut-off treaty as a significant contribution to non-proliferation in all its aspects. India joined the consensus on the establishment of an ad hoc committee on a fissile material cut-off treaty at the Conference in 1995 and then again in 1998. Similarly, India did not stand in the way of consensus on document CD/1864, which provided, inter alia, for the establishment of a working group to negotiate a treaty.

The report of the Group of Governmental Experts is a valuable reference and deserves in-depth consideration and examination even though it does not bind the hands of future negotiators and is without prejudice to national positions. India hopes that the Group's report will impart momentum for the commencement of treaty negotiations at the Conference on the basis of document CD/1299 and the mandate contained therein.

Iran (Islamic Republic of)

[Original: English]
[17 June 2016]

In the view of the Islamic Republic of Iran, the existence of nuclear weapons, their vertical and horizontal proliferation, and the risk of their possible use, accidentally or on purpose, is the most serious threat to international peace and security. Therefore, the total elimination of nuclear weapons is the only absolute guarantee against their threat and use, and a prerequisite for the establishment of a nuclear weapon-free world. The first and the best practical measure for achieving this noble goal is the urgent commencement of negotiations at the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction globally at the earliest date, in an irreversible and transparent manner and under strict international verification. Taking into account the fact that nuclear disarmament is the highest priority on the international disarmament agenda, Iran strongly believes that negotiations on this comprehensive convention must be at the top of the Conference agenda.

Such a comprehensive convention should, inter alia, prohibit, forever, without exception and under any circumstances, research on, and the production, possession, acquisition, transfer and stockpiling of, any amount of fissile materials for nuclear weapons or other nuclear explosive devices worldwide; set, within a phased programme, a clear and unextendable deadline for the total elimination of all existing fissile materials for nuclear weapons or other nuclear explosive devices worldwide, or their conversion to materials usable exclusively for peaceful purposes; prohibit, forever, without exception and under any circumstances, any kind of direct or indirect cooperation in, or assistance to, or encouragement or inducement of, any activity related to such fissile materials; and establish a robust international verification mechanism to ensure the total absence of any amount of fissile material for nuclear weapons or other nuclear explosive devices, as well as the sustainability of such a situation worldwide under all circumstances.

However, if the Conference on Disarmament adopts, by consensus, a programme of work that ensures, inter alia, the simultaneous commencement of negotiations on, and conclusion of, two separate universal legally-binding

instruments, namely a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and provide for their destruction, and a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, Iran will be in a position to also support the start of such negotiations on a single instrument banning the production of fissile materials for nuclear weapons and other nuclear explosive devices.

In any case, the scope of such a treaty shall cover the past, present and future production of fissile materials, and it must identify, within a phased programme, a clear and unextendable deadline for the total elimination of all existing fissile materials for nuclear weapons or other nuclear explosive devices worldwide, or conversion to materials usable exclusively for peaceful purposes, in an irreversible and transparent manner and under strict international verification. Moreover, it should be of a nuclear disarmament nature and must apply equally to all its States parties in terms of their respective rights and obligations under the treaty. Additionally, it should be comprehensive and non-discriminatory and oblige all countries possessing nuclear weapons, without exception, to completely end the production of fissile material for nuclear weapons or other nuclear explosive devices, and to declare and destroy all their stockpiles of such materials in accordance with the treaty.

The Islamic Republic of Iran would like to stress, however, that any possible negotiation on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices should be conducted in an open and transparent manner, and without any possible external pressure on negotiating States. Furthermore, all past, present and future proposals, as well as the security concerns and interests of all States, shall be equally taken into consideration. Above all, rule of consensus shall be strictly applied to all issues during the negotiations until the final adoption and conclusion of the possible treaty.

As regards the report of the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, contained in document A/70/81, and recalling the fact that resolution 67/53 had mandated the Group to operate on the basis of consensus, Iran believes that, since the Group has made only a few non-substantive recommendations by consensus and, consequently, was unable to make consensual recommendations on almost all substantive issues, as a result of which its report is merely a compilation of considerable differences of opinion of the governmental experts, such a report definitely lacks the very basic criteria of recommendations from a group of governmental experts to be given "due consideration" by Member States or be "fully examine[d]" by the Conference on Disarmament. Nevertheless, recalling the rules of procedure of the Conference, according to which it is the master of its own business and can decide independently whether and how to deal with such reports, in the view of Iran, the Group's report may only be cited by the Conference among the long list of relevant past, present and future proposals and reports on the subject.

Italy

[Original: English]
[7 June 2016]

Italy was actively engaged in the work of the Group of Governmental Experts on the fissile material cut-off treaty and strongly supports the Group's report, as it contributes to real constructive developments in view of the negotiations. As concerns specific points discussed in the report, Italy supports flexible definitions, based on article XX of the Statute of the International Atomic Energy Agency, and reflecting real situations. We believe the IAEA is the most appropriate body to carry out verification, due to its long-term expertise and resources; this would also ensure efficient and rapid verification procedures. Italy also calls for realistic and balanced criteria for the entry into force of the treaty, to ensure its effectiveness and credibility. Recalling General Assembly resolution 70/39, we support the early commencement of negotiations on such a treaty in the framework of the Conference on Disarmament, which represents one of the key priorities of Italy's foreign and security policy.

Lebanon

[Original: Arabic]
[2 May 2016]

The Ministry of National Defence notes that Lebanon sees no objection to the ratification of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, as this is consistent with its customary position. Lebanon has been among the earliest signatories to many such treaties, including the Convention on the Physical Protection of Nuclear Material. It does not depend on fissile material for its energy production, nor does it stockpile such material. In addition, no military or civilian activity or scientific research is conducted in the Lebanese Republic for the production of radioactive, fissile or nuclear material.

Mexico

[Original: Spanish]
[2 June 2016]

Mexico reiterates the need to start negotiations with a view to concluding a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. Such a treaty would represent another step towards the goal of eliminating nuclear weapons and strengthening the nuclear non-proliferation regime.

Mexico acknowledges the work of the Group of Governmental Experts established pursuant to General Assembly resolution 67/53 on the subject, and the adoption by consensus of the Group's report contained in document A/70/81.

Mexico believes that the negotiation of such a treaty should be viewed as part of a broad and comprehensive process of nuclear disarmament and non-proliferation, and that the treaty should include elements such as the regulation

of existing fissile material, a verification mechanism and confidence-building measures.

Mexico therefore considers it necessary for such an instrument to provide for the regulation of existing fissile material, a verification mechanism and confidence-building measures.

Warehouses storing fissile material must be subject to accountability and control measures that are as broad as possible. The measures could be overseen by the International Atomic Energy Agency, given that it has the experience, technical training and equipment required for that purpose.

In addition, it is vital that the treaty prohibits the "direct use" of fissile material for the production of nuclear weapons and the transfer of fissile material produced for civilian use for purposes related to nuclear weapons. Moreover, the treaty should list neptunium and americium as fissile material given that these elements have fissile capacity and could be used in nuclear weapons.

In accordance with its obligations as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, Mexico supports the promotion of the use of low-enriched uranium for peaceful purposes and the prohibition of the acquisition and transfer of fissile material for nuclear weapons or other nuclear devices from States not party to the Non-Proliferation Treaty, as well as any assistance to third countries for the production of fissile material for explosives.

Mozambique

[Original: English]
[11 May 2016]

Mozambique agrees that the conclusion of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices is imperative and vital for world peace. It would be an important security-enhancing and confidence-building measure that would strengthen the regime of the Treaty on the Non-Proliferation of Nuclear Weapons and be a step towards nuclear disarmament and the achievement of a world without nuclear weapons.

A fissile material cut-off treaty should be non-discriminatory, multilateral and internationally and effectively verifiable. It could be part of a comprehensive approach to nuclear disarmament that still needs to be agreed upon. Nevertheless, from the Mozambican point of view, its adoption would not be contingent upon prior agreement on the comprehensive framework, as the treaty can be added to the comprehensive safeguards agreement.

Confidence-building measures can be taken immediately, without the need to wait for the commencement of formal negotiations. National security concerns, while legitimate, should also not delay negotiations, but they can and should be addressed as part of the negotiation process rather than as a prerequisite, while existing unilateral moratoriums on the production of fissile material should be maintained. Mozambique is also of the view that States willing to negotiate a fissile material cut-off treaty should commence these negotiations even if not all States with fissile material for nuclear weapons would be participating at the beginning.

Mozambique is concerned about the delay of even initiating negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in particular since some States have significantly increased their stockpiles of weapons-grade nuclear material. In light of this, Mozambique is of the view that such a treaty would have to include and address the issue of existing stockpiles in its scope. Failing that, the treaty would likely not be considered a valid nuclear disarmament measure.

Netherlands

[Original: English]
[2 June 2016]

At its seventieth session, the General Assembly adopted resolution 70/39 on the treaty banning the production of fissile material for nuclear weapons and other explosive devices.

The Kingdom of the Netherlands herewith submits the view of the Government of the Netherlands on the report of the Group of Governmental Experts, as requested in operative paragraph 3 of the resolution.

The Netherlands aims for an ambitious treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Reaching that aim requires mutual understanding of the political and technical challenges. This is why the Netherlands has actively contributed to the work of the Group, chaired by Canada.

The substantive consensus report that the Group produced in 2015 laid important groundwork. In its report, the Group discusses several important aspects to be addressed in a fissile material treaty in detail, while also pinpointing the outstanding issues. In the opinion of the Netherlands, the different viewpoints identified by the Group in its report can only be resolved through treaty negotiations, preferably in the framework of the Conference on Disarmament.

Saudi Arabia

[Original: Arabic]
[3 June 2016]

The treaty should establish a legally binding, non-discriminatory, multilateral and verifiable ban in accordance with its own treaty regime. The treaty must be consistent with existing legal instruments, and part of an integrated framework of interlocking measures aimed at achieving nuclear non-proliferation and disarmament and reinforcing international security and stability. The treaty cannot go forward effectively and irreversibly unless measures are taken to address pre-existing stockpiles of fissile material as well as future production. Transparency on that issue will be crucial to building trust and providing adequate incentives to join the treaty.

The treaty would provide credible assurances and contribute to greater transparency among States if obligations are applied equally and without discrimination to all States parties, including States that possess nuclear facilities not subject to International Atomic Energy Agency (IAEA) safeguards.

The scope of the treaty should be adequate to support its objectives and basic principles in accordance with non-discriminatory legal frameworks that all parties must adhere to. The treaty must also impose a complete ban on all activities related to the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with specifications to be annexed to the treaty and not left to the verification regime. It does not need to include fissile materials covered under the Treaty on the Non-Proliferation of Nuclear Weapons and the safeguards.

A precise definition of the elements of the treaty would contribute to clarifying the obligations of States parties. It would also facilitate the realization of the scope of the treaty and verification. The definitions used in the treaty should match those used in implementing the safeguards agreements. That would ensure fulfilment by States parties of their obligations and by extension the treaty's credibility, and avoid imposing additional burdens on them.

The verification regime should be capable of providing credible assurance that all States parties are complying with their treaty obligations. It should be non-discriminatory and apply the same procedures to all States parties. It should not take into account only the characteristics of declared fissile material production facilities. It should take precautions with regard to sensitive information and take into account where the limits to verification may stand.

Measures aimed at nuclear non-proliferation and nuclear disarmament should be incorporated into consolidated legal and institutional arrangements that are politically impartial, technically able and resource-efficient. That will result in the creation of a hybrid body that might be affiliated with IAEA, or the creation of governance and decision-making mechanisms within an independent body.

Disarmament momentum and confidence-building should be reinforced by adopting a limited duration subject to review and extension depending on progress on nuclear disarmament. Entry into force of the treaty should be contingent on the accession and ratification by all States with enrichment and reprocessing capabilities. Compliance and withdrawal have a bearing on the treaty's credibility, and merit considerable discussion with a view to establishing mechanisms that are suitable and acceptable to all States parties.

Spain

[Original: Spanish]
[1 June 2016]

The treaty banning the production of fissile material should incorporate the goals of disarmament and non-proliferation in order to enhance global security, in particular by preventing terrorists and non-State actors from accessing or stealing material for the manufacture of weapons of mass destruction.

The negotiation of such a treaty requires the commitment of the nuclear-weapon States in particular. In addition, the negotiations should take into account the recommendations made by the Group of Governmental Experts in its report (A/70/81), in particular:

– The treaty should not ban the production of fissile material for civilian use nor should it interfere with a State's right to the peaceful use of nuclear energy,

which should always be subject to International Atomic Energy Agency safeguards and supervision.

- The treaty should establish a ban on the production of fissile material for nuclear explosives and weapons that is legally binding, non-discriminatory — meaning that its obligations would apply to all States parties equally — multilateral and internationally and effectively verifiable.

However, several parts of the report require further analysis and more areas of convergence. These include:

- The decision on whether States would be required to declare fissile material produced prior to the entry into force of the treaty;
- Whether or not the production of fissile material for non-proscribed military purposes (nuclear-powered platforms, etc.) is prohibited and whether that material is subject to the treaty;
- Definitions in the treaty (fissile material, production of fissile material and facilities producing fissile material) which are sufficient to identify the objectives of the treaty and to facilitate its implementation and, above all, the task of verification;
- Verification mechanisms, the related objectives and the body responsible for their implementation;
- Possible sanctions in cases of non-compliance with the treaty and the competent sanctions bodies.

Spain also considers that national security concerns, while legitimate, can and should be addressed as part of the negotiation process rather than as a prerequisite.

Spain supports the request made by the European Union that all States that have not yet done so should declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices, and should dismantle facilities used to produce fissile material for nuclear weapons or convert them into facilities not used to produce explosives.

Switzerland

[Original: English]
[31 May 2016]

Switzerland has long emphasized the need for early negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosives devices. Switzerland welcomes the report of the Group of Governmental Experts. While this report indicated convergence on a significant number of issues, it also highlighted that work is still needed where different perspectives remain. It is important to note that the Group's report confirms the Swiss view that remaining differences should not further delay the commencement of negotiations. While the mandate contained in document CD/1299 has been confirmed by the Group as being the most suitable basis for future negotiations, Switzerland believes that flexibility and creativity could also facilitate progress. Moreover, the dynamic interrelationship between the treaty's objectives and its scope, definition and verification mechanism, as highlighted by the Group, underlines that the international community should comprehensively approach these issues without further delay. Such a treaty, together

with the Comprehensive Nuclear-Test-Ban-Treaty and other additional legally-binding instruments, will contribute to fulfilling the disarmament provisions of article 6 of the Treaty on the Non-Proliferation of Nuclear Weapons, halting both vertical and horizontal proliferation, and achieving and maintaining a world without nuclear weapons. Switzerland reiterates that a fissile material cut-off treaty should take into consideration both disarmament and non-proliferation objectives. In this context, Switzerland fully supports the position of many experts reflected in paragraph 22 of the report that "a ban on new production would be insufficient ... and that past production should be addressed in some manner in the treaty's scope". Ensuring and verifying that future civil production is only used for civil purposes and that future production for non-proscribed military use is never diverted to proscribed use will be key aspects of any treaty, and verifying that existing fissile material declared excess to military requirements will never be used in nuclear weapons will represent a central disarmament component.

Furthermore, Switzerland fully agrees with the Group's view that the principle of irreversibility should be at the centre of the fissile material cut-off treaty's verification system, in order to consistently fulfil its objectives. Regarding legal arrangements, Switzerland believes that since the treaty's provisions will be of particular relevance for States with unsafeguarded facilities and/or enrichment and reprocessing capabilities, various options regarding its entry into force require further analysis during negotiations. Last, neither its duration nor a potential withdrawal clause should undermine the durability and irreversibility of the treaty.

Ukraine

[Original: English]
[1 June 2016]

Given the fact that Ukraine voluntarily gave up its nuclear weapons in 1996 and removed all stockpiles of highly enriched uranium from its territory in 2012, our country strongly supports the development of legal and institutional multilateral mechanisms to prevent the proliferation of nuclear weapons and related materials, equipment and technologies. In this context, the fissile material cut-off treaty remains a top priority on the global disarmament agenda.

We believe that the May 2015 report of the Group of Governmental Experts on the fissile material cut-off treaty, with the Ukrainian delegate among them, represents a constructive contribution to the ongoing debate and to the future negotiations on this issue. Based on an impartial, in-depth and open approach, the report reflects various positions that were voiced and presents all options on the table, thus constituting a useful and valuable resource for negotiation of a future treaty.

Although the vast majority of Member States are ready to start negotiations on the treaty in the framework of the Conference on Disarmament, the core differences regarding the scope of such a treaty still stand unresolved and put the Conference at a deadlock. In such situation, the fate of the Conference will be determined by the readiness of all sides to use diplomatic skills to their full potential and reach a hard compromise for the sake of moving forward a broader disarmament agenda. Ukraine, for its part, is ready, as usual, to demonstrate a constructive approach to facilitate this process.

In our view, widely supported by the international community, parallel negotiations are the only credible way to overcome persisting discords. Negotiating the treaty and negative security assurances in parallel processes will contribute to confidence-building and mutually reinforce each other, providing pertinent support to the complex process of disarmament.

While strongly advocating for the immediate commencement of negotiations on the treaty in the framework of the Conference on Disarmament, Ukraine supports relevant international initiatives to protect and secure nuclear materials, including General Assembly resolutions 66/50, on measures to prevent terrorists from acquiring weapons of mass destruction, and 62/46, on preventing the acquisition by terrorists of radioactive materials and sources, as well as the International Convention for the Suppression of Acts of Nuclear Terrorism, the revised Code of Conduct on the Safety and Security of Radioactive Sources of the International Atomic Energy Agency, and other antiterrorist initiatives.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[27 May 2016]

The United Kingdom of Great Britain and Northern Ireland supported the resolution to establish the Group of Government Experts on the fissile material cut-off treaty at the meeting of the First Committee of the General Assembly in 2012 and participated in the Group's discussions in Geneva. We welcome the report of the Group and are confident that this report and the deliberations underpinning it can serve as a valuable reference for States, and that it should be a useful resource for negotiators of a future treaty.

We agree that the Group has demonstrated that the various perspectives of States on a treaty should not be an obstacle to commencement of negotiation. The report prepared by Gerald E. Shannon (CD/1299) and the mandate contained therein continue to provide the most suitable basis on which future negotiations can commence without further delay in the framework of the Conference and, as noted in this report, would allow negotiators to raise for consideration all aspects of a treaty, including its scope.

We commend the work of the Group as the most thorough expert intergovernmental assessment to date of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Given the depth of its exchanges, the Group has allowed for a better understanding of the potential architecture of a future treaty and has further clarified its various aspects. It also identified areas, including with respect to technical and scientific challenges to definitions, verification and scope, or on legal and institutional matters, that will have implications for future treaty negotiations.

We believe that technical experts are essential to the process and would encourage States to ensure their delegations include them in future deliberations and negotiations. A group of scientific experts could also add valuable assistance to the negotiators.

We support the recommendation for members of the Group of Governmental Experts to actively share the content and outcomes of its deliberations with the

wider international community. The United Kingdom of Great Britain and Northern Ireland stands ready to assist.

The United Kingdom of Great Britain and Northern Ireland would also welcome the opportunity to be involved in any follow-up work to clarify issues regarding the potential tools and techniques that will facilitate verification of a future treaty.

The start and early conclusion of negotiations on a fissile material cut-off treaty is another essential step on any route to nuclear disarmament. This should remain a priority for all.